

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014120106
v.	
CHICO UNIFIED SCHOOL DISTRICT,	
CHICO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015030830
v.	
PARENT ON BEHALF OF STUDENT.	AMENDED ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING ¹

On March 12, 2015, Student filed a second amended request for due process hearing , and the hearing was reset for May 6, 2015. On March 17, 2015, the parties jointly requested that the matter be continued to May 26, 2015, because counsel for Chico Unified School District has another special education due process hearing already scheduled for May 5-7, 2015.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of

¹ This amended order supersedes for all purposes the Order Granting Request for Continuance filed on March 17, 2015. The differences are that the caption of the consolidated cases is used here and the prehearing conference is moved from its present date of April 27, 2015 to May 18, 2015, at 10:00 AM, in order to be closer in time to the continued hearing. The orders are otherwise the same.

the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. The prehearing conference date of April 27, 2015, and the due process hearing date of May 6, 2015, are vacated. The prehearing conference shall take place on May 18, 2015, at 10:00 AM, and the hearing shall take place on May 26, 27, and 28, 2015.

IT IS SO ORDERED.

DATE: April 1, 2015

/s/
CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings